



INTERIOR BOARD OF INDIAN APPEALS

Douglas Indian Association v. Juneau Area Director, Bureau of Indian Affairs

28 IBIA 40 (05/23/1995)

Denying reconsideration of:
27 IBIA 292

Related Board case:
30 IBIA 48



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DOUGLAS INDIAN ASSOCIATION,
Appellant

v.

JUNEAU AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 95-11-A
:
:
: May 23, 1995

This is an appeal from a decision issued by the Juneau Area Director, Bureau of Indian Affairs, concerning the service population under an Indian Self-Determination Act contract. On April 18, 1995, the Board vacated the Area Director's decision and remanded the matter to him for further consideration. 27 IBIA 292.

On May 22, 1995, the Board received a petition for reconsideration from the Central Council of Tlingit and Haida Indians, which believes that the Board has incorrectly described the effect of section 205 of the Act of November 2, 1994, 108 Stat. 4791, 25 U.S.C. § 1215.

The Central Council did not participate in the earlier proceedings in this appeal, although it is an interested party and has been on the Board's distribution list since the appeal was filed. Information was provided in the notice of docketing for this appeal concerning the procedures for filing a brief as an opposing party. ^{1/} The appropriate time for the Central Council to have presented its arguments was during the briefing period.

If the Board were to reinstate this appeal in order to consider the Central Council's arguments, it would only serve to delay resolution of this matter. Because the matter has been remanded to the Area Director for further consideration, the Board believes that the more efficient procedure is to require that the Central Council present its arguments to the Area Director during the proceedings on remand. If the Central Council is not satisfied with the Area Director's decision on remand, it may appeal that decision to the Board.

^{1/} The Central Council suggests, but does not specifically state, that it did not receive appellant's notice of appeal in this matter and was not aware of these proceedings.

Appellant filed a certificate of service with its notice of appeal, certifying that it had served the notice and all supporting documents on the Central Council. Appellant furnished an address for the Central Council, and the Board used that address for its distribution list entry. None of the Board's notices and orders sent to the Central Council at that address have been returned to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration is denied.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge